

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:18-cv-02226-JVS-KES

Date: March 31, 2023

Title: MARK OWEN LAUN v. ORANGE COUNTY SHERIFF

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PETITIONER:
None Present

ATTORNEYS PRESENT FOR
RESPONDENT:
None Present

PROCEEDINGS (IN CHAMBERS):

**Order Allowing Optional Supplemental
Briefing from Petitioner on Mootness**

In December 2018, Mark Owen Laun (“Petitioner”) filed a pro se Petition for Writ of Habeas Corpus by a person in state custody pursuant to 28 U.S.C. § 2254 (“Petition” at Dkt. 1) and a supporting memorandum (Dkt. 2), challenging his January 2018 conviction for crimes arising out of an assault on his wife.

After receiving a stay to exhaust his claims in state court (Dkt. 13), Petitioner notified the Court in November 2022 that he had “exhausted the remedies available in the State of California court system.” (Dkt. 32 at 2.1) The Court lifted the stay (Dkt. 33), after which Respondent filed an Answer (Dkt. 34) and lodged additional relevant documents (Dkt. 35). Petitioner filed a Reply. (Dkt. 36.)

Respondent’s Answer argues that the Petition is moot, such that the Court lacks jurisdiction to rule on Petitioner’s claims. (Dkt. 34-1 at 10.) The Court invited Respondent to file a supplemental brief in support of its mootness argument on or before March 31, 2023. (Dkt. 37.) The Court noted that, upon receipt of Respondent’s supplemental brief, it would give Petitioner an opportunity to respond. (Id. at 1.)

The Court has now received Respondent’s supplemental brief (Dkt. 41), which argues that the 2018 judgment challenged in the Petition has been “substantially invalidated” by the L.A. County Superior Court’s order granting Petitioner relief under California Penal Code

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section 1203.4 (id. at 1).

IT IS HEREBY ORDERED that Petitioner may, but is not required to, file a supplemental brief regarding mootness **on or before April 30, 2023**. The Court will also conduct its own independent research regarding Respondent’s arguments.

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